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General Assembly

Sixty-fourth session

Official Records

81st plenary meeting
Monday, 29 March 2010, 10 a.m.
New York

President: Mr. Ali Abdussalam Treki ..... (Libyan Arab Jamahiriya)

In the absence of the President, Mr. Hackett (Barbados), Vice-President, took the Chair.

The meeting was called to order at 10.10 a.m.

Reports of the Fifth Committee

The Acting President: The General Assembly will now consider the reports of the Fifth Committee under agenda items 130, 132, 138, 141 and 142.

I request Ms. Yuliana Zhivkova Georgieva of Bulgaria, Rapporteur of the Fifth Committee, to introduce, in one intervention, the reports of the Committee that are before the Assembly.

Ms. Georgieva (Bulgaria), Rapporteur of the Fifth Committee: I have the honour today to present to the General Assembly the reports of the Fifth Committee that contain recommendations on issues that require action during the first part of the resumed sixty-fourth session of the General Assembly.

The Fifth Committee met from 1 to 19 March 2010 and held five plenary meetings and numerous rounds of informal consultations and informal informal consultations. I therefore have the honour to present the following brief report on the work of the Fifth Committee.

With regard to agenda item 130, entitled "Review of the efficiency of the administrative and financial functioning of the United Nations", the Committee recommends to the General Assembly, in paragraph 6 of its report contained in document A/64/596/Add.1, the adoption of a draft resolution, which the Committee adopted without a vote.

On agenda item 132, the Fifth Committee recommends, in paragraphs 8 and 9 of its report contained in document A/64/548/Add.2, entitled "Programme budget for the biennium 2010-2011", the adoption of two draft resolutions. Draft resolution I deals with special subjects relating to the programme budget for the biennium 2010-2011, and draft resolution II relates to conditions of service for the ad litem judges of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, which the Committee adopted without a vote.

Under agenda item 138, entitled "Joint Inspection Unit", the Committee recommends to the General Assembly, in paragraph 6 of its report contained in document A/64/724, the adoption of a draft resolution that was adopted without a vote.

The report of the Committee under agenda item 141, entitled "Review of the implementation of General Assembly resolutions 48/218 B, 54/244 and 59/272", is contained in document A/64/723. In paragraph 6 of that report, the Committee recommends to the General Assembly the adoption of a draft resolution that it adopted without a vote.

Finally, under agenda item 142, entitled "Administration of justice at the United Nations", the Committee recommends, in paragraph 7 of its report contained in document A/64/582/Add.1, the adoption of a draft decision that it adopted without a vote.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506. Corrections will be issued after the end of the session in a consolidated corrigendum.

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I wish to thank delegations for their cooperation and to assure them that the changes made in the course of the Fifth Committee's 27th formal meeting have been duly taken into account and are reflected in the draft resolutions and reports before the Assembly.

The Acting President: If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Fifth Committee that are before the Assembly today.

It was so decided.

The Acting President: Statements will therefore be limited to explanations of vote. The positions of delegations regarding the recommendations of the Fifth Committee have been made clear in the Committee and are reflected in the relevant official records.

May I remind members that, under paragraph 7 of decision 34/401, the General Assembly agreed that

> "When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, that is, either in the Committee or in plenary meeting, unless that delegation's vote in plenary meeting is different from its vote in the Committee."

Before we begin to take action on the recommendations contained in the reports of the Fifth Committee, I should like to advise representatives that we are going to proceed to take decisions in the same manner as was done in the Fifth Committee, unless members are notified otherwise in advance.

Agenda item 130 ***(continued)***

Review of the efficiency of the administrative and financial functioning of the United Nations

Report of the Fifth Committee (A/64/596/Add.1)

The Acting President: The Assembly has before it a draft resolution recommended by the Fifth Committee in paragraph 6 of its report.

The Assembly will now take a decision on the draft resolution, entitled "Towards an accountability system in the United Nations Secretariat". The Fifth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

The draft resolution was adopted (resolution 64/259).

The Acting President: The Assembly has thus concluded this stage of its consideration of agenda item 130.

Agenda item 132 ***(continued)***

Proposed programme budget for the biennium 2010-2011

Report of the Fifth Committee (A/64/548/Add.2)

The Acting President: The Assembly has before it two draft resolutions recommended by the Fifth Committee in paragraph 8 of its report. We will now take a decision on draft resolutions I and II.

We turn first to draft resolution I, entitled "Special subjects relating to the programme budget for the biennium 2010-2011". The Fifth Committee adopted it without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution I was adopted (resolution 64/260).

The Acting President: Draft resolution II is entitled "Conditions of service for the ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda". The Fifth Committee adopted it without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution II was adopted (resolution 64/261).

The Acting President: The Assembly has thus concluded this stage of its consideration of agenda item 132.

Agenda item 138

Joint Inspection Unit

Report of the Fifth Committee (A/64/724)

The Acting President: The Assembly has before it a draft resolution recommended by the Fifth Committee in paragraph 6 of its report.

We will now take a decision on the draft resolution, entitled "Report of the Joint Inspection Unit for 2009 and programme of work for 2010". The Fifth Committee adopted it without a vote. May I take it that the Assembly wishes to do likewise?

The draft resolution was adopted (resolution 64/262).

The Acting President: The General Assembly has thus concluded this stage of its consideration of agenda item 138.

Agenda item 141

Review of the implementation of General Assembly resolutions 48/218 B, 54/244 and 59/272

Report of the Fifth Committee (A/64/723)

The Acting President: The Assembly has before it a draft resolution recommended by the Fifth Committee in paragraph 6 of its report.

We will now take a decision on the draft resolution. The Fifth Committee adopted it without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 64/263).

The Acting President: The General Assembly has thus concluded this stage of its consideration of agenda item 141.

Agenda item 142 (*continued*)

Administration of Justice at the United Nations

Report of the Fifth Committee (A/64/582/Add.1)

The Acting President: The Assembly has before it a draft decision recommended by the Fifth Committee in paragraph 7 of its report.

We will now take action on the draft decision. The Fifth Committee adopted the draft decision without a vote. May I take it that the Assembly wishes to do likewise?

The draft decision was adopted.

The Acting President: The General Assembly has thus concluded this stage of its consideration of agenda item 142, as well as its consideration of all the reports of the Fifth Committee before it.

Agenda item 128 (*continued*)

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Letter from the Secretary-General (A/64/710)

Letter from the President of the Security Council (A/64/727)

The Acting President: In document A/64/710, the Secretary-General transmits a letter dated 1 March 2010 from Judge Patrick Robinson, President of the International Tribunal for the Former Yugoslavia, regarding the case of the Prosecutor v. Popović et al.

In document A/64/727, the President of the Security Council transmits to the President of the General Assembly the text of Council resolution 1915 (2010) of 18 March 2010, whereby the Council, inter alia, decided

> "that the total number of ad litem judges serving at the International Tribunal may temporarily exceed the maximum of twelve provided for in article 12, paragraph 1, of the Statute of the International Tribunal, to a maximum of thirteen at any one time, returning to a maximum of twelve by 30 June 2010, or upon completion of the Popović case if sooner".

May I take it that the Assembly decides that the total number of ad litem judges serving at the International Tribunal may temporarily exceed the maximum of 12 provided for in article 12, paragraph 1, of the Statute of the International Tribunal, to a maximum of 13 at any one time, returning to a maximum of 12 by 30 June 2010, or upon completion of the Popović case if sooner?

It was so decided.

The Acting President: The General Assembly has thus concluded this stage of its consideration of agenda item 128.

Agenda item 112 (*continued*)

Appointments to fill vacancies in subsidiary organs and other appointments

(j) Appointment of three ad litem judges of the United Nations Dispute Tribunal

Letter from the Secretary-General addressed to the President of the General Assembly (A/64/664)

The Acting President: Members will recall that by its resolution 63/253 of 24 December 2008, the General Assembly decided, inter alia, to appoint three ad litem judges for a term of one year each to address the problem of the backlog of cases being transferred from the old system to the Dispute Tribunal.

At its sixty-third session, the General Assembly, on the recommendation of the Internal Justice Council, appointed the following persons as ad litem judges of the Dispute Tribunal for a one-year term of office beginning on 1 July 2009: Mr. Michael Adams (Australia), Mr. Jean-François Cousin (France) and Ms. Nkemdilim Amelia Izuako (Nigeria).

In document A/64/664, the Chairperson of the Internal Justice Council has indicated that the Council feels that

> "the threat of the United Nations Dispute Tribunal being 'swamped' by the influx of new cases 'before it has really got up and running' would 'severely prejudice the implementation of the new system'".

The Internal Justice Council has therefore advised the Secretary-General that "this undesirable result could be avoided if the terms of office of the current ad litem judges were to be extended for a further 12 months".

On the recommendation of the Fifth Committee, the General Assembly took a decision earlier today to extend the tenure of three ad litem judges of the Dispute Tribunal for one additional year beginning on 1 July 2010. The Internal Justice Council has recommended the extension of the terms of office of the following three ad litem judges for an additional one-year term of office beginning on 1 July 2010: Michael Adams (Australia), Jean-François Cousin (France) and Nkemdilim Amelia Izuako (Nigeria).

May I therefore take it that the Assembly wishes to extend the terms of office of the three ad litem judges Michael Adams, Jean-François Cousin and Nkemdilim Amelia Izuako for an additional one-year term of office beginning on 1 July 2010?

It was so decided.

The Acting President: May I also take it that it is the wish of the General Assembly to conclude its consideration of sub-item (j) of agenda item 112?

It was so decided.

Agenda item 7 (*continued*)

Organization of work, adoption of the agenda and allocation of items

Request for the inclusion of an additional sub-item in the agenda of the sixty-fourth session: Elections to fill vacancies in principal organs: Election of a member of the International Court of Justice (A/64/236)

The Acting President: The General Assembly will now take up a request submitted by the Secretary-General in document A/64/236 relating to the election of a member of the International Court of Justice.

In his note, the Secretary-General informed the General Assembly of the resignation of Judge, former Vice-President and former President Shi Jiuyong as a member of the International Court of Justice effective 28 May 2010. A vacancy in the Court will therefore occur on 28 May 2010.

The agenda of the sixty-fourth session of the General Assembly does not contain a sub-item on election of members of the International Court of Justice.

The Secretary-General has therefore deemed it necessary to request, pursuant to rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the current session of an additional sub-item entitled "Election of a member of the International Court of Justice", under agenda item 110.

Owing to the nature of the item, unless there is an objection, may I take it that the General Assembly agrees that the relevant provision of rule 40 of the rules of procedure, which would require a meeting of the General Committee on the question of the inclusion of this additional sub-item on the agenda, could be waived?

It was so decided.

The Acting President: May I take it that the General Assembly, on the proposal of the Secretary-General, wishes to include in the agenda of the current session, an additional sub-item entitled "Election of a

member of the International Court of Justice", as a sub-item of agenda item 110 under heading I?

It was so decided.

The Acting President: May I take it that it is the wish of the Assembly to consider this sub-item directly in plenary meeting?

It was so decided.

The Acting President: I should like to inform members that this additional sub-item becomes sub-item (c) of agenda item 110 on the agenda of the current session.

I should also like to inform the General Assembly that the election to fill the vacancy shall take place on 29 June 2010.

The meeting adjourned at 10.30 a.m.